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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,486	09/24/2003	Tco Albers JR.	ALBER.64979	3978

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EXAMINER

GRILES, BETHANY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,486

Applicant(s)

ALBERS, TEO

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-20 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. This application is granted domestic priority as a continuation-in-part of application 10/361134, filed 6 February, 2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "lock notches" in line 8

- There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Babson (US1835923).
5. Regarding claim 1, Babson discloses a fixed support structure 11, 13; a plurality of release stanchion bar assemblies 19 supported by a fixed support structure 25 along the length of the fixed support structure; each release stanchion assembly including a pair 19 of like, facing double release stanchion bars pivotally connected for free swinging movement towards and away from one another when engaged by a feeding cow (col 3, lines 20-30); the space between such release stanchion bars defining a cow

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head receiving opening (col 2, line 68); and a release stanchion bar control assembly interposed between the fixed support structure 11, 15 and the release stanchion bars 19 to control the swinging movement of the bars 19 (col 3, lines 10-30).

6. Regarding claim 2, Babson discloses that the stanchion bars are biased to automatically assume a position in which the upper ends of the stanchion bars are spaced apart (Fig 1).

7. Regarding claim 4, Babson discloses the release stanchion bar control assembly includes a latch bracket 37, 39 on the upper portion of each release stanchion bar 19 selectively engageable with a latch head 48 disposed on the upper portion of the fixed support 11, 15, and a positioner rod 51 operatively supported by the upper portion of the fixed support structure to effect engagement and disengagement between the latch brackets and the latch heads, with the release stanchion bars 19 being locked against swinging movement during engagement and being free to undergo swinging movement when disengaged (col 3, lines 30-35).

8. Regarding claim 5, Babson discloses that the release stanchion bar control assembly includes a latch bracket 37, 39 on the upper portion of each release stanchion bar 19 selectively engageable with a latch head disposed on the upper portion of the fixed support structure (col 3, lines 10-15), and a positioner rod 51 operatively supported by the upper portion of the support fixed structure 15 to effect engagement and disengagement between the latch brackets and the latch heads 48, with the release stanchion bars 19 being locked against swinging movement during said engagement and being free to undergo swinging movement during disengagement.

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9. Regarding claim 6, Babson discloses that each latch head 48 is formed with a pair of lock slots 41 and each latch head 48 is movable relative to the fixed support structure 15; each release stanchion bar latch bracket 37, 39 includes a latch pin 37 arranged in the path of a lock slot 33; and the latch heads 48 are each operatively connected to the positioner rod 51 to selectively move the latch heads 48 towards and away from each release stanchion bar 19 to selectively engage and release the latch pins 37 relative to the lock slots 33.

10. Regarding claim 7, Babson discloses that each latch head 48 is formed with a pair of lock slots 33 and each latch head 48 is movable relative to its respective release stanchion bar latch bracket 37, 39; each release bar latch bracket includes a latch pin 37 arranged in the path of a locking slot 33; and the latch heads 48 are each operatively connected to selectively move the latch heads 48 towards and away from each release bar latch pin 37 to selectively engage and release the latch pins relative to the lock notches 33.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babson in view of DaSilveria US4930452.

13. Babson discloses stanchion bars 19.

14. Babson does not disclose that the bars are weighted.
15. Da Silveira discloses that the stanchion release bars 20 are weighted.
16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of DaSilveira of a weighted arm to the invention of Babson in order to make the unit more substantial and capable of standing up to frequent use by a cow or other large animal.

Allowable Subject Matter

17. Claims 8-20 are allowed.
18. The following is an examiner's statement of reasons for allowance: The applicant discloses a pair of flaps with a locking slot supported by each latch head. The prior art of record, including that of Babson and DaSilveria, does not disclose such a structure for use in moving the latch pins of the stanchion release bars up and down for engagement and disengagement of the stanchion bars.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DaSilveira US5645015; Albers, Jr. US6352052; Fornes US6615768; Fornes US6651593.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


blg

Bethany L. Griles
Examiner
Art Unit 3643



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

3/2/04